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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ALICE S. GIBSON,

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, DOES I  
through V, inclusive, ROE  
CORPORATIONS I through V, inclusive,

Defendants.

CASE NO.: 2:10-cv-02026-LDG-LRL

**ERRATA TO STIPULATION AND  
ORDER TO AMEND THE DISCOVERY  
PLAN AND SCHEDULING ORDER**

**(SECOND REQUEST)**

COME NOW Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, by and through its attorney of record, MATTHEW J. DOUGLAS, and Plaintiff, ALICE S. GIBSON, by and through her attorney of record, VICTOR CARDOZA, hereby jointly stipulate and agree to modify and amend the Discovery Plan and Scheduling Order, pursuant to Local Rule 26-4, as follows:

**A. Discovery Which Has Been Completed**

The parties have disclosed their initial productions of documents and lists of witnesses and Plaintiff has answered initial written discovery requests. Plaintiff recently propounded written discovery on Defendant which is being answered. However, Plaintiff did not disclose her initial production, pursuant to FRCP 26(a), until May 5, 2011. Additionally, despite written

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1 discovery being propounded in January, 2011, Defendant was forced to file a Motion to Compel  
2 same discovery responses in May, 2011. Plaintiff finally, answered all outstanding written  
3 discovery, thereafter, on or about June 23, 2011. Thereafter, Defendant has been collecting  
4 medical records of Plaintiff. Plaintiff's deposition was scheduled to proceed on September 21,  
5 2011, but that date was cancelled by Plaintiff September 19, 2011 for another hospitalization of  
6 Plaintiff.  
7

8 **B. Discovery Which Remains to be Conducted**

9 Defendant needs to finish collecting Plaintiff's medical records as Defendant just recently  
10 learned of additional medical care – now totaling over \$800,000.00 via a letter from Plaintiff's  
11 Counsel on September 6, 2011. Additionally, the parties need to finish party as well as treating  
12 physician depositions and, then, name and disclose expert witnesses. The parties would then still  
13 need to conduct expert depositions.  
14

15 **C. Reasons Why the Proposed Discovery Was Not Completed Prior to the**  
16 **Expiration of the Current Discovery Deadline**

17 Plaintiff did not disclose her initial production, pursuant to FRCP 26(a), until May 5,  
18 2011. Additionally, despite written discovery being propounded in January, 2011, Defendant was  
19 forced to file a Motion to Compel same discovery responses in May, 2011 and Plaintiff did not  
20 supply complete written discovery responses until on or about June 23, 2011. Only then was  
21 Defendant able to begin collecting Plaintiff's medical records.

22 In regards to taking the depositions of fact witnesses and treating physician depositions  
23 the Defendant needs to collect plaintiff's medical records first, before scheduling same  
24 depositions.  
25

26 Apparently, many of the delays have been as a result of multiple hospitalizations of  
27 Plaintiff over the past year. In fact, Defendant learned of several additional costly  
28

1 hospitalizations and treatments for Plaintiff, with medical specials over \$800,000, via a letter  
2 from Plaintiff's Counsel dated September 6, 2011. Finally, Defendant had set Plaintiff's  
3 deposition for September 21, 2011, but this deposition was cancelled by Plaintiff per a letter  
4 dated September 19, 2011 from Plaintiff's Counsel stating Plaintiff being hospitalized, again, for  
5 a blood clot. Plaintiff is unable to say, at this time, when Plaintiff will be medically able to sit for  
6 her deposition in order to reschedule same.  
7

8 **D. Proposed Plan for Completing Discovery**

9 Defendant requests that the close of discovery be extended an additional ninety (90) days  
10 to May 7, 2012 (May 6, 2012 is a Sunday). Defendant believes that the discovery can be  
11 completed by May 7, 2012. Defendant believes the parties can disclose expert witnesses by  
12 January 6, 2012. Additionally the parties can disclose rebuttal expert witnesses by February 6,  
13 2012. The deadline for pre-trial motions and/or dispositive motions will be June 7, 2012 and the  
14 parties will file the pre-trial order July 6, 2012 (July 7, 2012 is a Saturday).  
15

16 **E. The Current Trial Date**

17 There is no trial date currently set.

18 **F. Number of Requests for Extension**

19 This is the *second* request for an extension of discovery deadlines.

20 The parties have demonstrated good cause for the extension of the close of discovery in  
21 this matter. Defendant simply wants the opportunity to collect all records of Plaintiff  
22 independently and depose Plaintiff and her treating physicians, before naming experts and  
23 completing the expert depositions.  
24

25 ///

26  
27 ///

III.

CONCLUSION

The parties request that the Court grant parties Stipulation to Amend Discovery Plan and Scheduling Order.

DATED this 23<sup>rd</sup> day of September, 2011.

ATKIN WINNER & SHERROD

*/s/ Matthew Douglas*

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1 *Errata to Stipulation and Order to Amend Discovery Plan and Scheduling Order (Second*  
2 *Request)*  
3 *Case No. 2:10-cv-02026*

4 DATED this 23<sup>rd</sup> day of September, 2011.

5 ATKIN WINNER & SHERROD

FASSETT & CARDOZA

6 By: /s/Matthew Douglas  
7 Matthew J. Douglas  
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By: /s/ Victor Cardoza \_\_\_\_\_  
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Attorneys for Plaintiff

10  
11 **ORDER**

12  
13 FOR GOOD CAUSE APPEARING, IT IS SO ORDERED that the discovery date(s) in  
14 this matter will be reset to accommodate the parties, with the close of discovery to be May 7,  
15 2012, and all other discovery dates extended an additional ninety (90) days, accordingly, or as  
16 this Court may deem appropriate.

17  
18 

19  
20 U.S. MAGISTRATE JUDGE  
9-28-11

21 Submitted by:

22 ATKIN WINNER & SHERROD

23 By: /s/Matthew Douglas  
24 Matthew J. Douglas  
25 Nevada Bar No. 11371  
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